IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Nathan R. Belk
Serial No.:	10/694,074
Filing Date:	October 27, 2003
Art Unit:	2622
Confirmation No.:	3795
Examiner:	Brian P. Yenke
Title:	*AN INTEGRATED CHANNEL FILTER AND METHOD OF OPERATION*

Mail Stop Amendment

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Declaration of Nathan R. Belk

Submitted Under 37 C.F.R. §1.131

I, Nathan R. Belk, hereby declare and state that:

1. I am the inventor of the subject matter of the above-referenced application entitled, "An Integrated Channel Filter and Method of Operation," filed on October 27, 2003.

2. The invention that is the subject matter of the above-referenced application was conceived while working in Plano, Texas, prior to July 30, 2003. I assigned my rights in the patent application to my employer, Microtune, Inc. on October 24, 2003 ("Microtune").

3. Prior to July 30, 2003, I prepared a brief description of the invention entitled, "An integrated narrow band tunable channel pre-select filter" as part of an invention disclosure form that is attached as Appendix A. The description includes an explanation of the subject matter of the invention. The invention disclosure form includes redacted dates of conception and of the signing of the form that are both prior to July 30, 2003. The subject matter of the invention was also implemented in at least one of Microtune's integrated circuit tuner products identified as the MT2060.

4. Prior to July 30, 2003, Microtune prepared a computerized layout of the components in the MT2060, including the subject matter of the invention. An example of the computerized layout for the MT2060 is attached as Appendix B.

5. On June 30, 2003, Microtune provided various data related to the computerized layout of the MT2060 to its manufacturer, IBM. The data that was provided included at least "layout data" and a "verification log." The "layout data" was provided in a .gds2 file and included the design data used by IBM to generate a photolithography mask for the MT2060. The "verification log" was provided in a .CDS.log file and included data verifying the appropriate correspondence between the layout data and the schematics of the MT2060. A "README" file was also included to explain the contents of the submission. An email from Microtune to IBM identifying these and other contents of the submission of the MT2060 layout data is attached as Appendix C. A company called Nova Marketing was also copied on this email. Nova Marketing is a sales representative for IBM. Pursuant to this submission, Microtune tasked IBM with preparing a photolithography mask and a wafer for the MT2060 integrated circuit tuner.

6. A particular milestone in the manufacturing process for MT2060 was when the layout data was "released to mask" (RTM). This means that after completing their own internal verification procedures of the data sent by Microtune, IBM initiated the process of creating a photolithography mask. An email from Nova Marketing to Microtune dated July 14, 2003, and attached as Appendix D, indicates that the layout data for the MT2060 was released to mask on July 10, 2003 and that the commit date for its completion was August 22, 2003. The commit

date refers to the date by which IBM agreed to fabricate a wafer for the MT2060 using the photolithography mask and ship it. Each of these tasks were carried out by IBM in the United States of America and/or in a WTO member country.

7. ASE Korea provides assembly and testing for a range of customer-specific integrated circuits. After fabricating a wafer with the MT2060 integrated circuit tuner, IBM shipped the wafer to ASE Korea. Microtune had tasked ASE Korea to separate the wafer into individual units, and package each unit to have the appropriate interconnections. An email from ASE US to Microtune dated August 19, 2003, and attached as Appendix E, confirms receipt by ASE Korea of the documentation and wafer necessary for the packaging of the MT2060 units. ASE Korea was copied on this email. ASE Korea performed its tasks in a WTO member country.

8. On August 21, 2003, the packaged MT2060 units were shipped to Microtune in Plano, Texas by Federal Express. An email from ASE US to Microtune dated August 22, 2003, and attached as Appendix F, confirms the shipment and the shipping information.

9. On or before August 25, 2003, Microtune received the shipment of MT2060 units. An internal email at Microtune dated August 25, 2003, and attached as Appendix G, confirms the receipt of the MT2060 units and that the preliminary testing of the units (referred to as "binning") was commenced "right away."

10. From August 25, 2003 until at least September 12, 2003, Microtune engineering personnel tested the MT2060 and the subject matter of the invention embodied in the MT2060 units against the appropriate technical specifications. Microtune concluded that the invention worked for its intended purpose on or before September 12, 2003. Microtune tested the MT2060 in the United States of America.

11. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 30 day of March 2007.

Nathan R. Belk